

DOCKET NO.: PH-7064/BMS-0685
Application No.: 09/783,248
Office Action Dated: April 29, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 C.F.R. § 1.116

REMARKS/ARGUMENTS

Claims 1 and 4 to 78 are pending in the application:

- claims 1, 4, 5, 19, 47, 51 to 56, 60 to 64, 68, 72 to 74, and 78 are allowed;
- claims 6 to 11, 15, 17, 20 to 46, 57 to 59, 65 to 67, 69 to 71, 75, and 77; and
- claims 12 to 14, 16, 18, 48 to 50, and 76 are objected to, but would be allowable if rewritten.

The specification is objected to. Applicants are herein amending the specification and claims 4, 5, 12 to 14, 16, 18, 19, 47, 50, 61 to 64, 68, and 78 and canceling claims 1, 6 to 11, 15, 17, 20 to 46, 48, 49, 55, 57 to 60, 65 to 67, 69 to 71, and 75 to 77, without prejudice or disclaimer. After entry of the amendment, claims 4, 5, 12 to 14, 16, 18, 19, 47, 50 to 54, 56, 61, 63, 64, 68, and 72 to 74.

Amendments

Applicants are herein amending the specification to delete U.S. patent application on page 92, line 1 (line 11 of replacement paragraph). Applicants submit that no new matter is introduced by the amendments to the specification.

Applicants are herein canceling claims 1, 6 to 11, 15, 17, 20 to 46, 48, 49, 55, 57 to 60, 65 to 67, 69 to 71, and 75 to 77, without prejudice or disclaimer. Applicants reserve the right to file one or more divisional applications directed to the cancelled subject matter.

Applicants are herein amending claims 4, 5, 12 to 14, 16, 18, 19, 47, 50, 61 to 64, 68, and 78 to provide proper antecedent basis for certain claim terminology, to correct typographical errors, and to incorporate the limitations of cancelled claims from which the pending claims depend. Applicants submit that no new matter is introduced by the amendments to the claims. The amendments to the claims are fully supported by the specification of U.S. Provisional Application Serial No. 60/182,627 as filed on 02/15/00, the application to which the subject application claims benefit.

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Applicants request entry of the amendment under 37 C.F.R. § 1.116(b) because the amendments to the claims either cancel claims or comply with requirements of form expressly set forth in the Office Action.

Rejections and Objections

The specification is objected to because of the inclusion of material incorporated by reference to a U.S. patent application. Applicants are herein amending the specification to delete reference to the U.S. patent application. Accordingly, applicants respectfully request withdrawal of the objections to the specification.

Claims 7 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicants are herein canceling claims 7 and 23, without prejudice or disclaimer, thereby rendering moot the indefiniteness rejection. Accordingly, applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph.

Claims 6, 28, and 35 are objected to for containing informalities. Applicants are herein canceling claims 6, 28, and 35, without prejudice or disclaimer, thereby rendering moot the objection. Accordingly, applicants respectfully request withdrawal of the objection to the claims.

Claims 6 to 11, 15, 17, 20 to 22, and 24 to 46 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by US-B-6,656,448. Applicants are herein canceling claims 6 to 11, 15, 17, 20 to 22, and 24 to 46, without prejudice or disclaimer, thereby rendering moot the novelty rejection. Accordingly, applicants respectfully request withdrawal of the rejection.

Claims 20, 69, and 70 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by US 2002/0004032. Applicants are herein canceling claims 20, 69, and 70, without

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prejudice or disclaimer, thereby rendering moot the novelty rejection. Accordingly, applicants respectfully request withdrawal of the rejection.

Claims 57 to 59, 65 to 67, 71, 75, and 77 are rejected under 35 U.S.C. § 103(a) as allegedly anticipated by US 2002/0004032. Applicants are herein canceling claims 57 to 59, 65 to 67, 71, 75, and 77, without prejudice or disclaimer, thereby rendering moot the novelty rejection. Accordingly, applicants respectfully request withdrawal of the rejection.


Conclusions

Applicants respectfully request:

- (1) reconsideration and withdrawal of the objection to the specification;
- (2) reconsideration and withdrawal of the objection to the claims;
- (3) reconsideration and withdrawal of the rejection of the claims; and
- (4) allowance of claims 4, 5, 12 to 14, 16, 18, 19, 47, 50 to 54, 56, 61, 63, 64, 68, and 72 to 74.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

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